

Introduced and referral to Planning Commission: 5/2/22  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_ (expiration of 20 days after approval by Mayor or  
override of veto)

**THE TOWN OF MOUNT AIRY, MARYLAND**

**ORDINANCE NO. 2022-11**

**AN ORDINANCE TO AMEND PART II  
OF THE CODE OF THE TOWN OF MOUNT AIRY  
ENTITLED “GENERAL LEGISLATION”,  
CHAPTER 98, ENTITLED “SUBDIVISION OF LAND  
AND SITE PLAN REVIEW”, ARTICLE VIII ENTITLED  
“SITE PLAN APPROVAL PROCESS”, SECTION 98-30  
ENTITLED “PROCEDURES FOR SITE PLAN  
REVIEW AND APPROVAL”, ARTICLE IX  
ENTITLED “SUBDIVISION PLAN APPROVAL PROCESS”,  
SECTION 98-33 ENTITLED “CONCEPT  
PLAN REVIEW AND APPROVAL”, AND ARTICLE X  
ENTITLED “MINOR SUBDIVISION PLAN APPROVAL PROCESS”,  
SECTION 98-41 ENTITLED “CONCEPT PLAN REVIEW AND APPROVAL”,  
FOR THE PURPOSE OF UPDATING WHEN FOREST  
STAND DELINEATION PLAN IS TO BE SUBMITTED  
AND APPROVED IN ORDER TO COMPLY WITH  
THE CARROLL COUNTY CODE AND/OR PRACTICE AS UPDATED**

**WHEREAS**, as currently written, Sections 98-30 of the Town Code governing site plans, Section 98-33 governing subdivision plans, and 98-41 governing minor subdivision plans, state that Forest Stand Delineation Plans (“FSD Plans”) are to be provided and approved prior to concept plan submittal and approval; and

**WHEREAS**, when first enacted, Sections 98-30, 98-33 and 98-41 were consistent with the Carroll County Code in terms of when FSD Plans were to be submitted and approved; and

**WHEREAS**, since the enactment of Sections 98-30, 98-33 and 98-41, Carroll County updated its Code and/or practice to instead require that FSD Plans be submitted with concept plans and reviewed and approved at the same time that concept plans are reviewed and approved; and

**WHEREAS**, the Town Council deems it necessary and appropriate to amend Sections 98-30, 98-33 and 98-41 to conform with current Carroll County Code and practice that requires the FSD Plan submission and approval at the concept plan phase of development review; and

**WHEREAS**, pursuant to Section 98-56 of the Town Code, this proposed ordinance was referred to the Planning Commission for recommendation, and on \_\_\_\_\_, 2022, the

Planning Commission recommended that the Town Council \_\_\_\_\_ this ordinance;  
and

**WHEREAS**, pursuant to Section 98-55, upon due notice to the public, the Town Council conducted a public hearing on this ordinance on \_\_\_\_\_, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:**

Section 1. That Chapter 98 of the Code of the Town of Mount Airy be and is hereby amended to repeal and reenact with amendments Sections 98-30 as follows:

**§ 98-30. Procedures for site plan review and approval.**

\* \* \*

- B. Compliance with Forest Conservation Ordinance. ~~Prior to the concept plan submittal, t~~ The applicant must have prepared and ~~received approval for~~ submit the forest stand delineation plan with the concept plan for review at the concept plan review stage, or have an approved letter of exemption by the time of concept plan review.

Section 2. That Chapter 98 of the Code of the Town of Mount Airy be and is hereby amended to repeal and reenact with amendments Sections 98-33 as follows:

**§ 98-33. Concept plan review and approval.**

\* \* \*

- B. Submit forest stand delineation. The forest stand delineation (FSD) must be submitted and approved ~~prior to submission at the time of~~ a concept plan is submitted and shall be reviewed for approval at the time of concept plan review. The FSD must conform to requirements of the Carroll County Forest Conservation Ordinance No. 106, which has been adopted by the Town of Mount Airy.
- C. Submit concept plan. ~~After the FSD is approved, t~~ The applicant must submit a concept plan for review by the Town Planning Commission. The concept plan must be submitted 30 days prior to the Planning Commission hearing at which the plan will be reviewed. This submittal must include all information listed on the Concept Plan Requirements Checklist, including a completed Subdivision plan application, required review fee computation sheets and review fees, and the appropriate number of copies of plans and supporting data with a transmittal attached to each. The concept plan submittal should be filed with the Town of Mount Airy Planning Department, 110 S. Main Street, P.O. Box 50, Mount Airy, Maryland 21771.

Section 2. That Chapter 98 of the Code of the Town of Mount Airy be and is hereby amended to repeal and reenact with amendments Sections 98-41 as follows:

**§ 98-41. Concept plan review and approval.**

\* \* \*

- B. Submit forest stand delineation. The forest stand delineation (FSD) must be submitted and approved ~~prior to submission~~ at the time of a concept plan is submitted and shall be reviewed for approval at the time of concept plan review. The FSD must conform to requirements of the Carroll County Forest Conservation Ordinance No. 106, which has been adopted by the Town of Mount Airy.
- C. Submit concept plan. ~~After the FSD is approved, t~~ The applicant must submit a concept plan for review by the Town Planning Commission. The concept plan must be submitted 30 days prior to the Planning Commission hearing at which the plan will be reviewed. This submittal must include all information listed on the Concept Plan Requirements Checklist, including a completed Subdivision plan application, required review fee computation sheets and review fees, and the appropriate number of copies of plans and supporting data with a transmittal attached to each. The concept plan submittal should be filed with the Town of Mount Airy Planning Department, 110 S. Main Street, P.O. Box 50, Mount Airy, Maryland 21771.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2022 (expiration of 20 days after approval by Mayor or override of veto).

Introduced this 2<sup>nd</sup> day of May, 2022.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2022 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

ATTEST:

\_\_\_\_\_  
Pamela Reed, Secretary

\_\_\_\_\_  
Jason Poirier, President of the Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Pamela Reed, Secretary

\_\_\_\_\_  
Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.  
This \_\_ day of \_\_\_\_\_, 2022.

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Thomas V. McCarron, Town Attorney